ONE HUNDRED FIFTEENTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON THE JUDICIARY

2138 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515–6216

(202) 225–3951
http://www.house.gov/judiciary

March 7, 2017

The Relion Group Legal Network
32840 Wolf Store Road
Suite C
Temecula, California 92592

Dear Mr. Condon,

The American Medical Association (AMA) recently adopted a resolution supporting a legislative or regulatory "requirement that attorney commercials which may cause patients to discontinue medically necessary medications have appropriate warnings that patients should not discontinue medications without seeking the advice of their physician …" The AMA's resolution notes that "[t]elevision commercials that seek plaintiffs regarding new medications are rampant on late-night television," that "[o]ften potential complications are spoken about them in an alarming way," and that "[a]s a result of these ads, some patients have endangered themselves by stopping prescribed medications without speaking to a physician." The AMA resolution concludes that advertisements "are 'fearmongering' and dangerous to the public at-large because they do not present a clear picture regarding the product." Dr. Russell W.H. Kridel, M.D., member of the AMA's Board of Trustees, explained the need for such commercials to advise patients to consult with a physician before discontinuing medications by noting that:

> The onslaught of attorney ads has the potential to frighten patients and place fear between them and their doctor. By emphasizing side effects while ignoring the benefits or the fact that the medication is FDA approved, these ads jeopardize patient care. For many patients, stopping prescribed medication is far more dangerous, and we need to be looking out for them.[1]

Indeed, it is easy to understand why such advertising frightens patients. After emphasizing the potential side effects of an FDA approved and doctor prescribed medication, one advertisement urges patients to call 1-800-BAD-DRUG[2] – a less than subtle suggestion that the drug in question is inherently harmful. Another commercial holds itself out to be a "medical alert,"[3] while another one states unequivocally that the FDA approved drug is "dangerous."[4]

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[1] https://www.ama-assn.org/ama-adopts-new-policies-final-day-annual-meeting
[2] https://www.ispot.tv/ad/793E/pulaski-and-middleman-xarelto-and-pradaxa-warning
[3] https://www.ispot.tv/ad/Afkx/the-sentinel-group-xarelto-and-pradaxa-alert

One even depicts a patient being loaded into an ambulance.[5] It is little wonder that patients are confused and concerned about such medications and decide to discontinue taking their doctor-prescribed and often lifesaving medication. It is of great concern to us that the Relion Group Legal Network has used similar advertisements[6] and that this kind of advertising can have deadly consequences.

A recent article published in the Heart Rhythm Journal reveals that numerous patients have ceased using their anticoagulant without consulting a physician after viewing negative legal advertisements. Based on incidents reported to the FDA Safety Information and Adverse Event Reporting System, the article summarizes these serious cases, including two deaths, as follows:

> In the majority of these cases (23/31, 75%), patients experienced a stroke or a transient ischemic neurologic event; 2 patients had persistent residual paralysis. One patient, a 45 year-old man receiving rivaroxaban for treatment of a deep vein thrombosis, stopped the drug and died of a subsequent pulmonary embolism, and 1 female patient, receiving rivaroxaban for stroke prevention, stopped the drug and died of a massive stroke. All these cases were considered to be serious medical events by the health care professionals that submitted the reports.[7]

These reports are extremely alarming and bring into clear focus the rationale for the AMA's resolution. If implemented, their recommendation would ensure that legal advertising is not deceptive and that patients are not scared into discontinuing their prescribed medication. Legislation, however, should not be needed to rectify this problem. The legal profession, which prides itself on the ability to self-regulate, should embrace these common sense recommendations and we request that you consider leading by example.

Because of our concern about patient safety, and because the Relion Group Legal Network solicits clients using this type of advertising, we would appreciate your answering the following questions and providing the requested information:

1. How much per year does your firm spend on advertising regarding drugs or medical devices?
2. Do all of your advertisements contain a clear and conspicuous admonition to patients not to discontinue medication without consulting their physician?
3. Do all of your advertisements indicate that the drug or medical device in question was approved for use by the Federal Drug Administration (FDA)?
4. Do all of your advertisements contain clear and conspicuous statements about the benefits of the drug or medical device that is the subject of the advertisement?
5. Do all of your advertisements contain clear and conspicuous statements about the potential side effects of the drug or medical device that is the subject of the advertisement?
6. What law firms are members of the Relion Group Legal Network?

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[4] https://www.ispot.tv/ad/ANKO/guardian-legal-network-users-of-xarelto-or-pradaxa
[5] https://www.ispot.tv/ad/AGIM/the-driscoll-firm-xarelto-and-pradaxa-linked-to-internal-bleeding
[6] https://www.youtube.com/watch?v=tfk7z-culrk&feature=youtu.be
[7] http://www.heartrhythmcasereports.com/article/S2214-0271(16)00014-2/abstract

7. Do you engage in direct marketing? If so, how do you acquire names and contact information regarding those to whom you directly market?
8. Please provide all prepared scripts and training materials used for those who interact with potential plaintiffs over the phone. Where are your call centers? What are the minimum qualifications for employees? Are potential employees subject to background checks?
9. What medical and personally identifiable information do you acquire from potential plaintiffs? Regarding medical information and PII, what information do you share with law firms or other third parties?
10. Do you obtain written consent from patients to share medical information and PII with law firms or other third parties?
11. How long do you retain this information? How and in what form is it stored? Is it encrypted? What security precautions are in place to ensure no one gains unauthorized access to an individual's data? How do you transmit the information to law firms or third parties? If information is transmitted electronically, is it encrypted?
12. For calendar years 2015 and 2016, who have you transferred and/or passed names of potential drug or medical device plaintiffs to? Please identify the lawyers or law firms.
13. In addition to lawyers or law firms, please identify any other third party to whom you have transferred personally identifying information for any purpose, including marketing purposes?
14. Please provide copies of all active contracts with lawyers or law firms for your services.

Thank you for your attention to this important patient safety issue. We look forward to your response by March 21, 2017.

Sincerely,

Bob Goodlatte
Chairman